



Fox Rothschild LLP  
ATTORNEYS AT LAW

2000 Market Street, 20th Floor  
Philadelphia, PA 19103-3222  
Tel 215.299.2000 Fax 215.299.2150  
www.foxrothschild.com

BRETT BERMAN  
Direct Dial: 215-299-2842  
Email Address: BBerman@FoxRothschild.com

January 15, 2016

**VIA ECF**

Chief Judge Carla E. Craig  
U.S. Bankruptcy Court, EDNY  
Conrad B. Duberstein Courthouse  
271-C Cadman Plaza East, Suite 1595  
Brooklyn, NY 11201-1800

**Re: *In Re: Hypnotic Taxi, LLC et al.*, No. 15-43300 (CEC)  
*Citibank, N.A. v. Bombshell Taxi, LLC, et al.*, Adv. Pro. No. 15-01185 (CEC)**

Dear Chief Judge Craig:

Though we apologize for the barrage of letters to effectuate what should be entry of a straightforward order consistent with Your Honor's decision, we must (quickly) address two matters raised in Mr. Schwed's latest letter (ECF 76).

First, unless Citibank is suggesting that the attachment order entered in November (ECF 28) -- which *it* drafted -- was somehow deficient, there is no reason to enter a different order now. Again, your decision states clearly that the stay of the attachment order is lifted. The attachment process itself is then governed by state statute. Your Order need not -- and should not -- try to spell that out that process or potentially modify the statute itself. There is no need.

Second, in his letter, Mr. Schwed states that Mr. Freidman is the "garnishee" of the trust property (i.e., the NY real estate). This is incorrect. All agree the trust property was transferred in June 2015. It is one thing for your decision to state that attachment applies to third party assets, but another thing to change the reality that Mr. Freidman is now somehow the garnishee of those assets. He is not. Of course, since Citibank's main protection is in recording the attachment as the statute provides, it is of little consequence in any event who the "garnishee" is. Citibank -- via the sheriff -- will record the attachment against the real estate, ultimately much like it would a mortgage.

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia Florida  
Illinois Nevada New Jersey New York Pennsylvania Texas



Fox Rothschild LLP  
ATTORNEYS AT LAW

Chief Judge Carla E. Craig

January 15, 2016

Page 2

Frankly, delving into this minutia is exactly why Citibank's tendered order is inappropriate and unnecessary. The Court ordered attachment, the consequences of which, and processes, speak for themselves and are governed by underlying state statute.<sup>1</sup>

The order we tendered earlier is consistent with both the letter and spirit of your decision.

Respectfully,

*/s/ Brett Berman*

Brett Berman

---

<sup>1</sup> In its letter, Citibank effectively concedes that the applicable state statute does *not* contain an "inspection" right for real property.